Violence Against Women Act

Why This Reauthorization Would Perpetuate Abuse

Congress passed the Violence Against Women Act (VAWA) in 1994 in an effort to improve the criminal justice response to domestic violence, sexual assault, and stalking and increase the availability of victims’ services. Unfortunately, when VAWA was last reauthorized in 2013, supplementary language was added that prevented it from achieving these important goals. The current reauthorization text of H.R. 1620 continues and expands upon these problems. By mandating harmful gender identity ideology, maintaining Planned Parenthood’s ability to obtain VAWA grants, and inefficiently diverting certain grant funds to be used for only limited purposes and limited pools of victims, H.R. 1620 would harm the very women VAWA should be protecting.

Women who have been victims of rape, sexual assault, sexual molestation, sex trafficking, and the worst imaginable abuses deserve a safe place to heal emotionally and physically. They should not be forced to share private spaces with biological men, sleep next to biological men, or disrobes in front of biological men—requiring women who were abused by biological men to do such things compounds their trauma.

These women deserve as much access to victims’ services as possible. However, the mandates contained in this reauthorization will surely lead to some facilities closing, other facilities either ending or foregoing partnership with the government, and lawsuits against facilities. All these outcomes would limit facilities’ ability to help victims of abuse. H.R. 1620 also stipulates what certain grants funds can be used for and who they can help, which prevents the most efficient use of funds to serve the maximum number of women.
Furthermore, if there is any appropriate mandate that VAWA should have, it is that VAWA grantees do not perpetuate or cover up the victimization of those they serve. Yet, Planned Parenthood is allowed to be a VAWA grantee despite its coverup of sexual abuse and sex trafficking.

**This Reauthorization Further Traumatizes Battered Women**

- Carried over from 2013 is a “non-discrimination” clause that includes sexual orientation and gender identity as a protected class.
- A section on sex-segregated programs and facilities indicates that they are only allowed if comparable services are provided to individuals who cannot be placed in these sex-segregated programs or facilities.
  - Grantees are essentially forced to either end sex-specific programs or provide additional programming they might not have the resources to facilitate. Even if the grantees provided additional programming, it is unclear how this is supposed to solve the problem of forcing battered women to be housed with biological males.
  - President Biden’s Department of Justice (DOJ) is likely to perpetuate the mandate from the Obama administration that grantees [don’t isolate or segregate victims based on gender identity](https://www.washingtonpost.com/politics/2019/10/30/administration-rejects-proposal-to-let-transgender-prisoners-use-female-bathrooms/) and [should ask a trans-identified individual which group or service they wish to join](https://www.vice.com/en_us/article/9jyp7v/biden-administration-would-allow-transgender-prisoners-in-prisons), but they can’t ask about anatomy or medical history which could help determine the authenticity of the claim. Further, [grantees aren’t allowed to make a services determination for a beneficiary based on other beneficiaries’ complaints when they are based on gender identity](https://www.washingtonpost.com/politics/2019/10/04/biden-administration-rejects-proposal-to-let-transgender-prisoners-use-female-bathrooms/).
- Allowing biological males into female domestic violence shelters has caused further trauma to biological women who have been abused.
A shelter in Fresno, California, housed trans-identified individuals alongside biological women. Nine women filed a lawsuit because they had to endure “sexually inappropriate comments,” were stared and leered at while naked, and were sexually harassed.

The shelter did nothing about this further victimization, and the defendant’s attorney in the case acknowledged that the shelter received federal grants (in this case from the Department of Housing and Urban Development) and was therefore required to accept men who identify as female.

This Reauthorization Reduces Resources for Battered Women

- As already noted, grantees are essentially forced to either end sex-specific programs or provide additional programming they might not have the resources to facilitate.

- Mandates to accept gender identity ideology have caused even non-federally funded shelters to face legal attacks. These attacks inhibit shelters’ ability to help women in need, as they must focus their resources on litigation.

- The Hope Center in Anchorage does not seek grants from the government because of these mandates, yet was sued based on an Anchorage statute with the same mandate to accept gender identity ideology.

  - “The Hope Center serves everyone. Men and women alike, no matter how they identify, are welcome to receive meals, clothing, and job skill training at the center—and many have. But in order to provide a safe place for the women seeking to heal from sex trafficking and abusive situations, the Hope Center’s overnight facilities, showers, and changing rooms are open to biological women only.” Women sleep on the floor and are practically elbow to elbow.
• A biological man tried to enter the women-only facilities, and a lawsuit ensued. Fortunately, the complaint was dropped when a federal judge ruled that the law being used to target the Hope Center did not apply. This outcome most assuredly would have been different had the Hope Center taken federal dollars to increase their ability to serve their community.

• The non-discrimination language applies to VAWA grantee hiring practices. The practical implication is that a grantee could be sued for maintaining employee conduct standards, and/or DOJ may not issue VAWA awards to faith-based organizations who maintain employee conduct standards.
  ○ The Biden administration will surely follow the Obama administration on this: “Faith-based organizations, like all other recipients of funding subject to the VAWA nondiscrimination grant condition, accept the obligation, as a condition of the grant award, not to discriminate in the delivery of services or benefits supported by covered grants, on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation, or disability.”

• This is much broader than just those entities with a religious objection to allowing biological men into women’s shelters or who have employee conduct standards. Opposition to such a mandate is based on the understanding of the harms it would cause to women who have already been traumatized.

• This reauthorization reinforces harmful mandates by requiring proof of compliance as part of the application for state grants. It also creates a review process for compliance in the event of an allegation of discrimination.
  ○ The Attorney General is to conduct a review to ensure compliance. This review process is to be created by the Attorney General and will surely be in line with how the Obama administration interpreted this language, as noted above. The Attorney General is also required to report to Congress on compliance with these mandates.
This authorization also perpetuates the labeling of certain groups as an “underserved population” on a national level. This means that certain grants will be funneled to these groups and inaccessible to others.

- To ensure efficiency and maximum victim outreach, “underserved populations” should be determined on a state or local level. The victim population and the services available to them are not going to be the same across the country, and there must be flexibility.
- VAWA’s goal has been to prioritize violence against women. As the minority pointed out in the Senate Committee Report from 2012, “if every group is a priority, no group is a priority.”

This Reauthorization Allows Organizations Known to Cover Up Abuse and Sex Trafficking to Access These Funds

- Planned Parenthood is likely covering up sexual abuse and sex trafficking. Yet, the 2018 GAO report indicated that Planned Parenthood received nearly $2 million from DOJ programs, including $300,000 from VAWA formula grants during 2013-15.

This Reauthorization Will Put Women Who Are Incarcerated at Risk of Abuse

- Under H.R. 1620, placement determinations for trans-identified prisoners are to be made on a case-by-case basis with serious consideration of the prisoner’s own views.
- In a section regarding the use of sex-appropriate correctional officers, the bill states that “a transgender prisoner’s sex is determined according to the sex with which they identity.”
- As with shelters, placing biological men in women’s prisons has proven detrimental to biological women’s safety.
Three biologically female inmates at Federal Medical Center Carswell in Fort Worth filed multiple complaints against the Bureau of Prisons for allowing a biological man who identifies as a woman to be housed with them. Their claim indicated they were forced to shower with biological men and that these men intentionally exposed themselves for their own sexual gratification. These women suffered “disgust, embarrassment, humiliation, stress, degradation, fear and loss of dignity.”

In the United Kingdom, a biological man imprisoned for rape and sexual assault was placed in a women’s prison because he identified as transgender. He was accused of four sexual assaults against biological women in three months before he was moved to a men’s prison.

On March 10, 2021, a story broke that a “DOC employee reports men are claiming to be women to transfer prisons.”

- A half dozen men have been transferred to the Washington Corrections Center for Women, according to an employee at the facility.
- “An employee cites a recent incident in which an inmate from a male facility raped a female in the women’s prison upon arrival. The transferred inmate, according to the employee, is incarcerated for a sex offense and has ‘fully functional male genitalia, a history of violence and sexual depravity in the community, and has been found guilty of sexual assault against other inmates while housed in the men’s facilities.”
- “He is a proven sexual predator, having committed multiple crimes against women, yet the State of Washington had no problem moving him into a women’s facility and housing him with the most vulnerable in our population (our mental health unit),” the employee wrote.
- According to the employee, 150 biological men are in line to be transferred in the coming months. “The inmates, the guards, they are terrified.”